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SERVICE DATE - NOVEMBER 20, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 395X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION —IN CHEROKEE COUNTY, KS,
AND JASPER COUNTY, MO

Decided: November 15, 2002

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon and discontinue service over a 28.25-mile line of railroad between milepost 343.55 in Columbus, Cherokee County, KS, and milepost 315.30 in Carthage, Jasper County, MO. Notice of the exemption was served and published in the Federal Register on May 23, 2002 (67 FR 36298).

By decision served June 21, 2002, the proceeding was reopened and a condition was imposed requiring that BNSF take no steps to alter the historic integrity of the bridges, trestles, and railroad structures along the route, including interchanges with other rail alignments, within the State of Missouri, until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.¹ By letter dated November 5, 2002, BNSF requests that the historic preservation condition be removed. In support of its request, BNSF attached a letter from the Missouri Department of Natural Resources State Historic Preservation Office, to support its contention that the section 106 condition has been fulfilled. Therefore, the Board's Section of Environmental Analysis recommends that the section 106 historic preservation condition imposed in the June 21, 2002 decision be removed.

¹ In that decision, the City of Carl Junction and the Joplin Trail Coalition were authorized to negotiate an interim trail use/rail banking agreement with BNSF, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The decision also imposed environmental conditions and a public use condition that required BNSF to leave the right-of-way intact (including bridges, trestles, culverts and tunnels) until December 19, 2002, to permit interested persons to negotiate for acquisition of the line for public use.

Accordingly, the proceeding will be reopened and the previously imposed section 106 condition will be removed.²

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 condition imposed in the decision served June 21, 2002, is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

² The other conditions imposed in the June 21 decision remain.